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June 17, 2013

Mr. Quy Vuong
Senior Campaign Finance Analyst
FEC Reports Analysis Division
999 E Street NW
Washington, DC 20463

IDENTIFICATION NUMBER: C0048878

RE: Amended May Monthly Report (04/01/2012 – 04/30/2012), Received 05/13/2013

Dear Mr. Vuong:

We have been retained to represent ActRight and also provide reporting and recordkeeping services for the committee. Please accept this response and explanation on behalf of the committee to the Request for Additional Information dated May 14, 2013, in reference to the 2012 May Monthly Report. Amendments have been filed and explanations are hereby provided for the following two items:

1. “Your report discloses the apparent disbursement of earmarked contributions outside the permissible time period.” We have identified the error resulting in these apparently unauthorized disbursements and have filed an amended report on June 17, 2013.

ActRight receives earmarked contributions by credit card through its webpages on ActRight.com. The committee uses the date on which the contributor submitted the contribution on the website as the “date of receipt” for purposes of the 10-day rule and on its monthly reporting Schedule A. Early in April 2012, however, as the number of contributions increased, we became aware of FEC Advisory Opinions 1999-36 and 1989-26 which give guidance on how the “date of receipt” is to be calculated when contributions are received electronically, including by credit card. According to these opinions, the “date of receipt” should be the date on which the committee’s account is credited with the funds, in other words, when the contribution “clears” in ActRight’s account. And so ActRight switched to this “cleared” method of determining the “date of receipt” rather than the “submitted” method used previously. The “cleared” method was only used for around two weeks, however, before switching back to the “submitted” method. We found that, with increased volume of contributions, it became apparent that we could not reliably and efficiently determine the “cleared” date for each and every contribution. We contacted the FEC as well, and were instructed to use the “submitted” date to be safe. The “submitted” method has been used since.

The "cleared" method was used for calculating the 10-day rule for contributions submitted on April 12-23, but unfortunately this adjustment was not made when the Schedule A was submitted in the monthly report. Instead, the report uses the "submitted" date, which results in an apparent violation of the 10-day rule for passing on earmarked contributions. We have amended the May Monthly Report Schedule A to reflect the "cleared" dates which were actually used at the time. With these amendments, no contributions were passed on outside of the 10-day time period.

Submitted	Cleared	Passed On
April 12-13	April 16	April 26
April 14-15	April 17	April 26
April 16	April 18	April 26
April 17	April 19	April 27
April 18	April 20	April 27
April 19-20	April 23	April 27
April 21-22	April 24	May 3
April 23	April 25	May 3

2. "Schedule A of your report discloses earmarked contributions totaling \$6,277.26, with no corresponding entries on Schedule B."

The 2012 May Monthly Schedule A includes all contributions received April 1-30, 2012. The 2012 May Monthly Schedule B, however, includes all contributions passed on from April 1-30, 2012. The contributions received during the period April 24-30, 2012, were not passed on until May 3, 2012. Therefore, they are on the May Monthly Schedule A, but appear on the June Monthly Schedule B. This explains the apparent discrepancy and therefore no amendment is necessary.

If you have any questions, please contact me at 202-683-9405. Thank you.


Sincerely,



Joseph A. Vanderhulst

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Federal Election Commission
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